

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

BERT J. ALLEN III,

Plaintiff

v.

Civil No. 01-224-P-C

DANIEL DUBOIS and TAMMY  
LEGNARD,

Defendants

Gene Carter, Senior District Judge

**ORDER DENYING PLAINTIFF'S MOTION TO VACATE  
PROCEDURAL ORDER**

Now before the Court is Plaintiff's Motion to Vacate (Docket Item No. 199) the Procedural Order issued by the Court on April 4, 2005 (Docket Item No. 195). Contained in the Motion at page two is a Notice of Interlocutory Appeal in the event that Motion to Vacate is denied. After full review of the Motion to Vacate, it is hereby **ORDERED** that the Motion be, and it is hereby, **DENIED** for failure to show any reasonable basis to Plaintiff's Objection to the Procedural Order.

It is **FURTHER ORDERED** that the Clerk docket Plaintiff's Motion to Vacate as a Notice of Interlocutory Appeal, that the case be processed as a live appeal, that the case be **REMOVED** from the May 2, 2005, jury selection calendar, that all pretrial

preparation dates be **SUSPENDED**, and that the case be **REMOVED** from the May Civil Trial List as now scheduled, pending resolution of the appeal.

/s/Gene Carter  
**GENE CARTER**  
United States Senior District Judge

Dated at Portland, Maine this 13th day of April, 2005.

**BERT J ALLEN, III**

represented by **BERT J ALLEN, III**  
56 SMITH GARRISON ROAD  
NEW MARKET, NH 03857  
(603)659-5293  
PRO SE

V.

**Defendant**

**YORK COUNTY JAIL**  
*TERMINATED: 03/11/2003*

represented by **MICHAEL J. SCHMIDT**  
WHEELER & AREY, P.A.  
27 TEMPLE STREET  
P. O. BOX 376  
WATERVILLE, ME 04901  
873-7771  
Email:  
mschmidt@wheelerlegal.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**SCOTT**  
**YORK COUNTY JAIL INMATE**  
*TERMINATED: 12/27/2001*

**Defendant**

**RICHARD**  
*YORK COUNTY JAIL INMATE*  
*TERMINATED: 12/27/2001*

**Defendant**

**DANIEL DOUBOUS**  
*individually and in their official*  
*capabilities as officers of the York*  
*County Jail*

represented by **MICHAEL J. SCHMIDT**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**TAMMY LEONARD**  
*individually and in their official*  
*capabilities as officers of the York*  
*County Jail.*

represented by **MICHAEL J. SCHMIDT**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**SCOTT BARRIEAU**  
*TERMINATED: 06/11/2002*

**Defendant**

**RICHARD LOWELL**  
*TERMINATED: 06/11/2002*

**Defendant**

**LINDA MOOERS**  
*TERMINATED: 04/12/2005*

represented by **JAMES F. MOLLEUR**  
P.O. BOX 619  
SACO, ME 04072  
(207) 283-3777  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MICHAEL J. SCHMIDT**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*